

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JONATHAN AGRAMONTE, on behalf of
himself and all other similarly situated
employees,

Case No.: 14-cv-3074 (PAE)

Plaintiff,

v.

RICHARD SHRAGER and RICH FOODS 37,
LLC,

Defendants.
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**PLAINTIFF'S NOTICE OF MOTION
FOR LEAVE TO AMEND THE
COMPLAINT PURSUANT TO RULE
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PLEASE TAKE NOTICE that upon the accompanying Declaration of Richard M. Garbarini, the memorandum of law and the exhibit annexed thereto, served and filed herewith, Plaintiff will move this Court before the Honorable Paul A. Engelmayer, U.S.D.J., at 500 Pearl Street, New York, NY on a date and time set by this Court, for an order pursuant to Federal Rule of Civil Procedure 15(a)(2) allowing Plaintiff to file the annexed Proposed First Amended Complaint. Counsel for Plaintiff has diligently attempted to contact counsel for the Defendants to obtain their consent, but has received no reply to numerous phone messages and e-mails.


By the Proposed First Amended Complaint, Plaintiff seeks to withdraw all claims made regarding over-time compensation and spread-of-hours pay in order to conform to the facts.

PLEASE TAKE FURTHER NOTICE that Plaintiff requests oral argument on this motion.

Dated: July 28, 2014
New York, New York

Respectfully submitted,

GARBARINI FITZGERALD P.C.

By: 
Richard M. Garbarini

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Attorneys for Plaintiff


CERTIFICATE OF SERVICE

I certify that on July 28, 2014, a true and correct copy of the foregoing NOTICE OF MOTION, DECLARATION OF RICHARD GARBARINI and the MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF JONATHAN AGRAMNOTE MOTION FOR LEAVE TO AMEND THE FIRST AMENDED COMPLAINT was served on the following counsel of record via this Court's ECF system:

Jeffrey Meyer
Yale Pollak
Kaufman Dolowich
135 Crossways Park Drive
Suite 201
Woodbury, NY 11797

Attorneys for Defendants

Dated: July 26, 2014

GARBARINI FITZGERALD P.C.
By: 
Richard Garbarini